

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

In the matter of:	)	
	)	
ADT SECURITY SERVICES,	)	
	)	Case No. 19-RD-206496
Employer,	)	
	)	
and	)	
	)	<b>UNION'S OPPOSITION TO EMPLOYER'S</b>
An Individual,	)	<b>REQUEST FOR EXTENSION OF TIME</b>
	)	
and	)	
	)	
IBEW LOCAL NO. 46 and IBEW LOCAL 76,	)	
	)	
Union	)	
_____	)	

On February 22, 2018, Employer ADT Security Services filed a "motion for extension of time to file request for review and supporting brief." Pursuant to Section 102.2 of the NLRB Rules and Regulations, this is the Union's opposition to that request.

For these purposes, the pertinent procedural history is as follows: On January 31, 2018, an election of representative was held pursuant to the petition filed in the cause number appearing above. The Union prevailed in that election. On February 6, 2018, the Employer filed an Objection to that election. A single basis was cited, namely, that the union "created an atmosphere of fear and intimidation by surreptitiously recording the employer's meeting without obtaining consent." This, the Employer asserted, was a violation of Washington State law. The Employer offered no citation to case law interpreting the pertinent Washington statute. Had the Employer researched the subject, they would have learned that the recording of this meeting was not forbidden by Washington law based on settled appellate authority.

On February 14, 2018, the Regional Director, Region 19, rejected the Employer's Objection, and certified the Union as collective bargaining representative. By NLRB Rule and Regulation, the Employer's request for review is due to be filed on February 28, 2018.

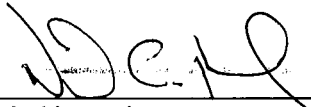
The Employer now seeks until April 2, 2018 to file a request for review and supporting brief on the Regional Director's clear and concise determination of the Employer's single Objection. No meaningful statement of a need for an extension is offered, much less a request for the entire month of March.

In its request for an extension of time, the Employer maintains that no party will suffer prejudice from the grant of its request. This is not at all true. The Union and Employer are currently engaged in collective bargaining for a replacement to an expired CBA. The Union already experienced resistance from the Employer for bargaining while the decertification election process was underway. It is reasonably anticipated that so long as the Employer's effort to overturn the election is alive, the Employer will continue to delay reaching an agreement with the Union, thereby grossly prejudicing the employees it represents.

NLRB Rules and Regulations Section 102.2(b)(4)(c) suggests a moving party inquire of the opposing party that parties' position on the requested extension "and to indicate the other parties' position in the extension of time request." No such inquiry was made here of the Union and the Employer did not indicate the Union's position in its request.

For the foregoing reasons, the Employer's motion for an extension of time to file should be rejected.

DATED this 22nd day of February, 2018.



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Counsel for IBEW Locals 46 and 76

## CERTIFICATE OF SERVICE

**I hereby certify**, that on the 22<sup>nd</sup> day of February, 2018, I caused to be filed via electronic filing the foregoing Union's Opposition to Request for Extension with:

Office of the Executive Secretary  
National Labor Relations Board  
1015 Half Street SE  
Washington, D.C. 20570

And served by electronic mail to:

Ronald Hooks, Regional Director  
Michael Snyder, Field Examiner  
Region 19, NLRB  
[Ronald.hooks@nlrb.gov](mailto:Ronald.hooks@nlrb.gov)  
[Michael.snyder@nlrb.gov](mailto:Michael.snyder@nlrb.gov)

And to:

Jason Achberger  
Petitioner  
[Smooov1@yahoo.com](mailto:Smooov1@yahoo.com)

And to:

Daniel Adlong, Esq.  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART. P.C.  
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David A. Hannah